



# Senate

General Assembly

**File No. 676**

*January Session, 2017*

Substitute Senate Bill No. 1003

*Senate, April 20, 2017*

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-343 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) For the purposes of [sections 19a-343] this section and sections  
4 19a-343a to 19a-343h, inclusive, a person creates or maintains a public  
5 nuisance if such person erects, establishes, maintains, uses, owns or  
6 leases any real property or portion [thereof] of such property for (1)  
7 any of the purposes enumerated in subdivisions (1) to (6), inclusive, of  
8 subsection (c) of this section, or (2) on which any of the offenses  
9 enumerated in subdivisions (1) to (14), inclusive, of subsection (c) of  
10 this section have occurred.

11 (b) The state has the exclusive right to bring an action to abate a  
12 public nuisance under this section and sections 19a-343a to 19a-343h,

13 inclusive, involving any real property or portion [thereof] of such  
14 property, commercial or residential, including single or multifamily  
15 dwellings, provided there have been three or more arrests, the  
16 issuance of three or more arrest warrants indicating a pattern of  
17 criminal activity and not isolated incidents or the issuance of three or  
18 more citations for a violation of a municipal ordinance as described in  
19 subdivision (14) of subsection (c) of this section, for conduct on the  
20 property documented by a law enforcement officer for any of the  
21 offenses enumerated in subdivisions (1) to (14), inclusive, of subsection  
22 (c) of this section [within the three hundred sixty-five days] during the  
23 three-hundred-sixty-five-day period preceding commencement of the  
24 action.

25 (c) Three or more arrests, the issuance of three or more arrest  
26 warrants indicating a pattern of criminal activity and not isolated  
27 incidents or the issuance of three or more citations for a violation of a  
28 municipal ordinance as described in subdivision (14) of this  
29 subsection, for the following offenses shall constitute the basis for  
30 bringing an action to abate a public nuisance:

31 (1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88  
32 or 53a-89.

33 (2) Promoting an obscene performance or obscene material under  
34 section 53a-196 or 53a-196b, employing a minor in an obscene  
35 performance under section 53a-196a, importing child pornography  
36 under section 53a-196c, possessing child pornography in the first  
37 degree under section 53a-196d, possessing child pornography in the  
38 second degree under section 53a-196e or possessing child pornography  
39 in the third degree under section 53a-196f.

40 (3) Transmission of gambling information under section 53-278b or  
41 53-278d or maintaining of a gambling premises under section 53-278e.

42 (4) Offenses for the sale of controlled substances, possession of  
43 controlled substances with intent to sell, or maintaining a drug factory  
44 under section 21a-277, 21a-278 or 21a-278a or use of the property by

45 persons possessing controlled substances under section 21a-279.  
46 Nothing in this section shall prevent the state from also proceeding  
47 against property under section 21a-259 or 54-36h.

48 (5) Unauthorized sale of alcoholic liquor under section 30-74 or  
49 disposing of liquor without a permit under section 30-77, or sale or  
50 delivery of alcoholic liquor to any minor under subdivision (1) of  
51 subsection (b) of section 30-86 or the sale, delivery or giving of alcoholic  
52 liquor to a minor under subdivision (2) of subsection (b) of section 30-  
53 86.

54 (6) Maintaining a motor vehicle chop shop under section 14-149a.

55 (7) Inciting injury to persons or property under section 53a-179a.

56 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,  
57 53a-56 or 53a-56a.

58 (9) Assault under section 53a-59, 53a-59a, subdivision (1) of  
59 subsection (a) of section 53a-60 or section 53a-60a or 53a-61.

60 (10) Sexual assault under section 53a-70 or 53a-70a.

61 (11) Fire safety violations under section 29-292, subsection (b) of  
62 section 29-310, or section 29-315, 29-320, 29-329, 29-337, 29-349 or 29-  
63 357.

64 (12) Firearm offenses under section 29-35, 53-202aa, 53-203, 53a-211,  
65 53a-212, 53a-216, 53a-217 or 53a-217c.

66 (13) Illegal manufacture, sale, possession or dispensing of a drug  
67 under subdivision (2) of section 21a-108.

68 (14) Violation of a municipal ordinance resulting in the issuance of a  
69 citation for (A) excessive noise on nonresidential real property that  
70 significantly impacts the surrounding area, provided the  
71 municipality's excessive noise ordinance is based on an objective  
72 standard, (B) owning or leasing a dwelling unit that provides residence  
73 to an excessive number of unrelated persons resulting in dangerous or

74 unsanitary conditions that significantly impact the safety of the  
75 surrounding area, or (C) impermissible operation of (i) a business that  
76 permits persons who are not licensed pursuant to section 20-206b to  
77 engage in the practice of massage therapy, or (ii) a massage parlor, as  
78 defined by the applicable municipal ordinance, that significantly  
79 impacts the safety of the surrounding area.

80 Sec. 2. Subsection (b) of section 21a-283 of the general statutes is  
81 repealed and the following is substituted in lieu thereof (*Effective*  
82 *October 1, 2017*):

83 (b) The Division of Scientific Services within the Department of  
84 Emergency Services and Public Protection shall establish the standards  
85 for analytical tests to be conducted with respect to controlled drugs, or  
86 with respect to body fluids believed to contain alcohol, by qualified  
87 professional toxicologists and chemists operating under the division's  
88 direction and shall have the general responsibility for supervising such  
89 analytical personnel in the performance of such tests. The original  
90 report of an analysis made by such analytical personnel of the Division  
91 of Scientific Services or by a qualified toxicologist, pathologist or  
92 chemist of a laboratory of the United States Bureau of Narcotics shall  
93 be signed and dated, either by hand or electronically, by the analyst  
94 actually conducting the tests and shall state the nature of the analytical  
95 tests or procedures, the identification and number of samples tested  
96 and the results of the analytical tests. A copy of such report certified by  
97 the analyst shall be received in any court of this state as competent  
98 evidence of the matters and facts therein contained at any hearing in  
99 probable cause, pretrial hearing or trial. If such copy is to be offered in  
100 evidence at a trial, the attorney for the state shall send a copy thereof,  
101 by certified mail, to the attorney of the defendant who has filed an  
102 appearance of record or, if there is no such attorney, to the defendant if  
103 such defendant has filed an appearance pro se, and such attorney or  
104 defendant, as the case may be, shall, [within] not later than five days  
105 [of] after the receipt of such copy, notify the attorney for the state, in  
106 writing, if such attorney or defendant intends to contest the  
107 introduction of such certified copy. No such trial shall commence until

108 the expiration of such five-day period and, if such intention to contest  
109 has been filed, the usual rules of evidence shall obtain at such trial.

110 Sec. 3. Section 53-39a of the general statutes is repealed and the  
111 following is substituted in lieu thereof (*Effective October 1, 2017*):

112 Whenever, in any prosecution of [an officer of the Division of State  
113 Police within the Department of Emergency Services and Public  
114 Protection, or a member of the Office of State Capitol Police or] any  
115 member of a law enforcement unit, as defined in section 7-294a, any  
116 person appointed under section 29-18 as a special policeman for the  
117 State Capitol building and grounds, the Legislative Office Building  
118 and parking garage and related structures and facilities, and other  
119 areas under the supervision and control of the Joint Committee on  
120 Legislative Management, or [a local police department] any inspector  
121 in the Division of Criminal Justice for a crime allegedly committed by  
122 such [officer] member, person or inspector in the course of [his] duty,  
123 [as such,] the charge is dismissed or the [officer] member, person or  
124 inspector found not guilty, such [officer] member, person or inspector  
125 shall be indemnified by [his] such member's, person's or inspector's  
126 employing governmental unit for economic loss sustained by [him]  
127 such member, person or inspector as a result of such prosecution,  
128 including the payment of attorney's fees and costs incurred during the  
129 prosecution and the enforcement of this section. Such [officer]  
130 member, person or inspector may bring an action in the Superior Court  
131 against such employing governmental unit to enforce the provisions of  
132 this section.

133 Sec. 4. Section 53a-28a of the general statutes is repealed and the  
134 following is substituted in lieu thereof (*Effective October 1, 2017*):

135 All financial obligations ordered pursuant to subsection (c) of  
136 section 53a-28 may be enforced in the same manner as a judgment in a  
137 civil action by the party or entity to whom the obligation is owed. Such  
138 obligations may be enforced at any time during the [ten-year] twenty-  
139 year period following the offender's release from confinement or  
140 [within ten] not later than twenty years [of] after the entry of the order

141 and sentence, whichever is longer.

142 Sec. 5. Section 53a-123 of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2017*):

144 (a) A person is guilty of larceny in the second degree when he  
145 commits larceny, as defined in section 53a-119, and: (1) The property  
146 consists of a motor vehicle, the value of which exceeds ten thousand  
147 dollars, (2) the value of the property or service exceeds ten thousand  
148 dollars, (3) the property, regardless of its nature or value, is taken from  
149 the person of another, (4) the property is obtained by defrauding a  
150 public community, and the value of such property is two thousand  
151 dollars or less, (5) the property, regardless of its nature or value, is  
152 obtained by embezzlement, false pretenses or false promise and the  
153 victim of such larceny is sixty years of age or older, or is a conserved  
154 person, as defined in section 45a-644, or is blind or physically disabled,  
155 as defined in section 1-1f, or (6) the property, regardless of its value,  
156 consists of wire, cable or other equipment used in the provision of  
157 telecommunications service and the taking of such property causes an  
158 interruption in the provision of emergency telecommunications  
159 service.

160 (b) For purposes of this section, "motor vehicle" means any motor  
161 vehicle, construction equipment, agricultural tractor or farm  
162 implement or major component part of any of the above. In any  
163 prosecution under subdivision (1) of subsection (a) of this section,  
164 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)  
165 alteration, mutilation or removal of a vehicle identification number  
166 shall be prima facie evidence (A) that the person in control or  
167 possession of such motor vehicle knows or should have known that  
168 such motor vehicle is stolen, and (B) that such person possesses such  
169 motor vehicle with larcenous intent.

170 (c) Larceny in the second degree is a class C felony.

171 Sec. 6. Section 54-86d of the general statutes is repealed and the  
172 following is substituted in lieu thereof (*Effective October 1, 2017*):

173 Any person who has been the victim of a sexual assault under  
174 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a,  
175 voyeurism under section 53a-189a, or injury or risk of injury, or  
176 impairing of morals under section 53-21, or of an attempt thereof, or  
177 family violence, as defined in section 46b-38a, shall not be required to  
178 divulge his or her address or telephone number during any trial or  
179 pretrial evidentiary hearing arising from the sexual assault, voyeurism  
180 or injury or risk of injury to, or impairing of morals of, a child, or  
181 family violence; provided the judge presiding over such legal  
182 proceeding finds: (1) Such information is not material to the  
183 proceeding, (2) the identity of the victim has been satisfactorily  
184 established, and (3) the current address of the victim will be made  
185 available to the defense in the same manner and time as such  
186 information is made available to the defense for other criminal  
187 offenses.

188 Sec. 7. Section 54-86e of the general statutes is repealed and the  
189 following is substituted in lieu thereof (*Effective October 1, 2017*):

190 The name and address of the victim of a sexual assault under  
191 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a,  
192 voyeurism under section 53a-189a, or injury or risk of injury, or  
193 impairing of morals under section 53-21, or of an attempt thereof, or  
194 family violence, as defined in section 46b-38a and such other  
195 identifying information pertaining to such victim as determined by the  
196 court, shall be confidential and shall be disclosed only upon order of  
197 the Superior Court, except that (1) such information shall be available  
198 to the accused in the same manner and time as such information is  
199 available to persons accused of other criminal offenses, and (2) if a  
200 protective order is issued in a prosecution under any of said sections,  
201 the name and address of the victim, in addition to the information  
202 contained in and concerning the issuance of such order, shall be  
203 entered in the registry of protective orders pursuant to section 51-5c.

204 Sec. 8. Section 2 of public act 11-252, as amended by section 3 of  
205 public act 12-111 and section 11 of public act 14-233, is repealed and

206 the following is substituted in lieu thereof (*Effective from passage*):

207 (a) There is established an Eyewitness Identification and Emerging  
208 Technologies Task Force to [study issues concerning eyewitness  
209 identification in criminal investigations and the use of sequential live  
210 and photo lineups. The task force shall examine: (1) The science of  
211 sequential methods of conducting a live lineup and a photo lineup, (2)  
212 the use of sequential lineups in other states, (3) the practical  
213 implications of a state law mandating sequential lineups, and (4) such  
214 other topics as the task force deems appropriate relating to eyewitness  
215 identification and the provision of sequential lineups] assist the Police  
216 Officer Standards and Training Council and the Division of State  
217 Police within the Department of Emergency Services and Public  
218 Protection in the development of policies and guidelines for law  
219 enforcement agencies concerning (1) eyewitness identification  
220 procedures, (2) the use of other emerging technologies to promote  
221 effective law enforcement and preventive measures to preclude the use  
222 of such technologies for criminal purposes, and (3) such other topics  
223 related to eyewitness identification and emerging technologies as the  
224 task force deems appropriate.

225 (b) The task force shall consist of the following members or their  
226 designees: The chairpersons and ranking members of the joint  
227 standing committee of the General Assembly on the judiciary; the  
228 Chief State's Attorney; the Chief Public Defender; the Victim Advocate;  
229 an active or retired judge appointed by the Chief Justice of the  
230 Supreme Court; a municipal police chief appointed by the president of  
231 the Connecticut Police Chiefs Association; the director of the Division  
232 of Scientific Services within the Department of Emergency Services  
233 and Public Protection; a representative of the Police Officer Standards  
234 and Training Council; a representative of the State Police Training  
235 School appointed by the Commissioner of Emergency Services and  
236 Public Protection; a representative of the criminal defense bar  
237 appointed by the president of the Connecticut Criminal Defense  
238 Lawyers Association; a representative from the Connecticut Innocence  
239 Project; and six public members, including the dean of a law school

240 located in this state and a social scientist, appointed one each by the  
241 president pro tempore of the Senate, the speaker of the House of  
242 Representatives, the majority leader of the Senate, the majority leader  
243 of the House of Representatives, the minority leader of the Senate, and  
244 the minority leader of the House of Representatives.

245 (c) The task force may solicit and accept gifts, donations, grants or  
246 funds from any public or private source to assist the task force in  
247 carrying out its duties.

248 (d) The task force shall report its findings and recommendations to  
249 the joint standing committee of the General Assembly on the judiciary  
250 in accordance with section 11-4a of the general statutes [not later than  
251 April 1, 2012] as the task force deems appropriate.

252 [(e) After submitting the report required under subsection (d) of this  
253 section, the task force shall continue in existence for the purpose of (1)  
254 assisting the Police Officer Standards and Training Council and the  
255 Division of State Police within the Department of Emergency Services  
256 and Public Protection in the development of policies and guidelines for  
257 the conducting of eyewitness identification procedures by law  
258 enforcement agencies as required by subsection (b) of section 54-1p of  
259 the general statutes, (2) researching and evaluating best practices in the  
260 conducting of eyewitness identification procedures as such practices  
261 may change from time to time, and recommending such revised best  
262 practices to the Police Officer Standards and Training Council and the  
263 Division of State Police within the Department of Emergency Services  
264 and Public Protection, (3) collecting statistics concerning the  
265 conducting of eyewitness identification procedures by law  
266 enforcement agencies, and (4) monitoring the implementation of  
267 section 54-1p of the general statutes. The task force shall report the  
268 results of such monitoring, including any recommendations for  
269 proposed legislation, to the joint standing committee of the General  
270 Assembly on the judiciary in accordance with section 11-4a of the  
271 general statutes not later than February 5, 2014.

272 (f) After submitting the report required under subsection (e) of this

273 section, the task force may continue in existence until June 30, 2016, for  
 274 the purpose set forth in subdivision (3) of subsection (e) of this section,  
 275 to collect and assist in the archiving of eyewitness identification  
 276 procedures used by law enforcement agencies in this state, and to  
 277 consider best practices in eyewitness identification procedures adopted  
 278 by law enforcement agencies in other states, provided members of the  
 279 task force and advisors to the task force shall receive no compensation  
 280 for their services.]

281 Sec. 9. Section 51-279e of the general statutes is repealed. (*Effective*  
 282 *July 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	19a-343
Sec. 2	<i>October 1, 2017</i>	21a-283(b)
Sec. 3	<i>October 1, 2017</i>	53-39a
Sec. 4	<i>October 1, 2017</i>	53a-28a
Sec. 5	<i>October 1, 2017</i>	53a-123
Sec. 6	<i>October 1, 2017</i>	54-86d
Sec. 7	<i>October 1, 2017</i>	54-86e
Sec. 8	<i>from passage</i>	PA 11-252, Sec. 2
Sec. 9	<i>July 1, 2017</i>	Repealer section

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill makes various changes to criminal justice statutes, most which do not result in a fiscal impact.

Section 5 expands 2<sup>nd</sup> degree larceny and results in a potential revenue gain from fines. In FY 15, there was one case that resulted in a fine of \$5,000. To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community, as opposed to \$61,320 (including benefits) to incarcerate an offender. There are currently 131 inmates incarcerated for 2<sup>nd</sup> degree larceny.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

Sources: Judicial Department Offenses and Revenue Database

**OLR Bill Analysis****sSB 1003*****AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES  
CONCERNING THE CRIMINAL JUSTICE SYSTEM.*****SUMMARY**

This bill makes the following unrelated changes to criminal laws and procedures:

1. adds alcohol sales to minors to the list of activities that can be the basis for a state action to abate a public nuisance;
2. allows toxicologists, pathologists, and chemists to sign certain chemical analysis test reports electronically;
3. expands the types of law enforcement officers who must be indemnified by their employers and adds Division of Criminal Justice inspectors to the list of professionals who must be indemnified;
4. extends the period in which a person may enforce a court order that an offender provide financial restitution to a victim;
5. makes it a form of 2<sup>nd</sup> degree larceny if someone takes property from a conserved person by embezzlement, false pretenses, or false promise;
6. extends to victims of the crime of sexual assault in a spousal or cohabiting relationship two protections regarding their names and other identifying information;
7. reconstitutes the Eyewitness Identification Task Force and expands its scope to include the use of emerging technologies in law enforcement; and

8. repeals a duplicative reporting requirement on Medicaid fraud recoveries.

EFFECTIVE DATE: October 1, 2017, except the task force provisions are effective upon passage and the repealer (§ 9) is effective July 1, 2017.

## **§ 1 — STATE ACTION FOR PUBLIC NUISANCE**

By law, the state can bring an action to abate a public nuisance on any real property on which, within the past 365 days, there have been three or more (1) arrests for certain crimes; (2) arrest warrants issued for certain crimes that are not isolated incidents, indicating a pattern of criminal activity; or (3) municipal citations issued for certain violations.

The bill adds the following to the list of activities that can be the basis for a nuisance abatement action: (1) sale or delivery of alcohol to a minor by an alcohol permit holder or his or her servant or agent and (2) sale, delivery, or giving of alcohol to a minor, including through the internet (CGS § 30-86(b)(1) and (2)).

Examples of activity that subject a property to an abatement action under existing law include unauthorized sale of alcohol and disposing of alcohol without a permit, prostitution-related offenses, drug crimes, certain firearm-related crimes, and municipal citations such as those for excessive noise on nonresidential property.

The law authorizes various types of relief to abate a public nuisance, such as allowing a court to (1) appoint a receiver to manage the property while a nuisance action is pending, (2) order the closing of the property or some part of it, and (3) impose civil fines or imprisonment for certain intentional violations (CGS § 19a-343 et seq.).

## **§ 2 — ELECTRONIC SIGNATURE ON TEST REPORTS**

Existing law requires the Department of Emergency Services and Public Protection's (DESPP) Division of Scientific Services analytical personnel or U.S. Bureau of Narcotics qualified toxicologists,

pathologists, and chemists to sign and date original reports of tests on controlled drugs or bodily fluids believed to contain alcohol for use in criminal cases. The bill specifies that they may sign the reports electronically or in writing.

### **§ 3 — INDEMNIFICATION**

The bill expands the types of officers entitled to indemnification from their employers if they are prosecuted for a crime allegedly committed in the course of duty and are found not guilty or have the charges dismissed.

Currently, State Police, local police, Capitol Police, and certain other appointed special policemen for the Capitol complex are entitled to this indemnification. The bill expands the law to include the following:

1. officers of any other state, municipal, or other government entity with a primary function that includes enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime;
2. Mashantucket Pequot and Mohegan tribes' police officers; and
3. Division of Criminal Justice inspectors.

### **§ 4 — ENFORCING RESTITUTION ORDERS**

The bill extends by 10 years the period in which someone can enforce and collect a court order that an offender pay financial restitution to a victim. Currently, the order is enforceable for 10 years from the date of the order's entry or offender's release from prison, whichever is longer. Under the bill, it is enforceable for 20 years from either of these dates, whichever is longer.

### **§ 5 — LARCENY OF A CONSERVED PERSON**

By law, it is 2<sup>nd</sup> degree larceny to take property by embezzlement, false pretenses, or false promise from someone who is age 60 or over or someone who is blind or has a physical disability. The bill extends this to taking property in the same manner from a conserved person,

defined as someone for whom a probate court has appointed a conservator of the estate (to manage the person's financial affairs) or of the person (to manage the person's personal affairs).

By law, 2<sup>nd</sup> degree larceny is a class C felony, punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

Currently, committing this conduct against a victim who is a conserved person is punishable under the larceny statutes with the penalty varying based on the amount of property taken, from a class C misdemeanor (punishable by up to three months in prison, a fine of up to \$500, or both) to a class B felony (punishable by up to 20 years in prison, a fine of up to \$15,000, or both).

#### **§§ 6 & 7 — SEX ASSAULT VICTIMS' NAMES**

The bill extends to victims of sexual assault in a spousal or cohabiting relationship two protections that existing law gives to certain sexual assault and other victims regarding their names and other personal information.

First, the bill prohibits requiring such a victim to divulge his or her address or phone number during a trial or pretrial evidentiary hearing arising from the crime if the judge finds the (1) information is not material, (2) victim's identity is satisfactorily established, and (3) victim's current address will be given to the defense in the same way as with cases involving other offenses.

Second, the bill generally makes confidential the victim's name, address, and other information the court determines is identifying, but it allows the following:

1. a court to order disclosure;
2. the accused to have access to the information in the same way as for cases involving other offenses; and
3. the victim's name, address, and information concerning the order to be entered in the protective order registry (which

makes the information available to certain officials and others but otherwise limits disclosure) if a protective order is issued in the prosecution.

By law, these two protections already apply to the names, addresses, and information of victims of:

1. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> degree sexual assault;
2. 1<sup>st</sup> degree aggravated sexual assault;
3. 3<sup>rd</sup> degree sexual assault with a firearm;
4. voyeurism;
5. risk of injury to a minor; or
6. an attempt to commit one of these crimes.

These provisions also already apply to family violence crimes.

## **§ 8 — EYEWITNESS IDENTIFICATION AND EMERGING TECHNOLOGIES TASK FORCE**

A 2011 law established the Eyewitness Identification Task Force to study and report on issues concerning eyewitness identification in criminal investigations and the use of sequential live and photo lineups. Subsequent acts expanded the task force's functions and allowed it to continue until June 30, 2016.

The bill reconstitutes the task force as the Eyewitness Identification and Emerging Technologies Task Force. It requires the task force to assist the Police Officer Standards and Training Council (POST) and the State Police in developing policies and guidelines for law enforcement agencies on:

1. eyewitness identification procedures (the prior task force had a similar function),
2. the use of other emerging technologies to promote effective law

enforcement and how to prevent the criminal use of these technologies, and

3. other related topics as the task force deems appropriate.

The bill requires the task force to report its findings and recommendations to the Judiciary Committee as the task force deems appropriate. As with the prior task force, the reconstituted task force can solicit and accept gifts, donations, grants, or funds from public or private sources to help perform its duties.

The bill also eliminates obsolete reporting requirements.

### ***Membership***

The bill carries forward the same appointment categories as under current law and adds the director of DESPP's Division of Scientific Services. Thus, the task force must consist of the following members or their designees:

1. the Judiciary Committee chairpersons and ranking members;
2. the chief state's attorney;
3. the chief public defender;
4. the victim advocate;
5. an active or retired judge appointed by the Supreme Court chief justice;
6. a municipal police chief appointed by the Connecticut Police Chief Association's president;
7. the director of DESPP's Division of Scientific Services;
8. a POST representative;
9. a State Police Training School representative appointed by the DESPP commissioner;

10. a representative of the criminal defense bar appointed by the Connecticut Criminal Defense Lawyers Association president;
11. a Connecticut Innocence Project representative; and
12. six members of the public, each appointed by one of the six legislative leaders. (Appointments must include a dean from a Connecticut law school and a social scientist.)

## § 9 — REPEALER

The bill repeals a statute that requires the chief state's attorney to annually report to the Appropriations Committee on the Division of Criminal Justice's monetary recoveries resulting from its investigations of fraud related to the Department of Social Services' (DSS) medical assistance programs (CGS § 51-279e).

Another existing law, unchanged by the bill, requires the chief state's attorney to report similar information on Medicaid fraud recoveries, as part of a report the DSS commissioner must annually submit in coordination with the chief state's attorney and the attorney general (CGS § 17b-99b).

## BACKGROUND

### *Related Bills*

sSB 726 and sHB 7198, both reported favorably by the Judiciary Committee, allow enforcement of a financial restitution order up to 10 years after the termination of the offender's probation.

## COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40      Nay 0      (04/03/2017)